

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

EDWARD J. BURBANK and
DONNA M. BURBANK : BK No. 08-11620
Debtors Chapter 13

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CERTIFICATION OF DIRECT APPEAL TO COURT OF APPEALS

To: The Court of Appeals for the First Circuit:

A Notice of Appeal from an Order of this Court (the "Order") was filed by John Boyajian, the Chapter 13 Trustee ("Appellant"), on March 5, 2009 (Docket No. 72). Subsequently, Appellant filed a Request for Certification for Direct Appeal of the Order to the First Circuit Court of Appeals (Docket No. 94), which this Court approved on April 13, 2009. Accordingly, this Court hereby represents to the United States Court of Appeals for the First Circuit under 28 U.S.C. § 158(d)(2)(A) that circumstances specified in 28 U.S.C. § 158(d)(2)(A) exist, as stated below.

Leave to appeal in this matter is not required under 28 U.S.C. § 158(a).

This certification arises in connection with an appeal from a final order of the United States Bankruptcy Court for the District of Rhode Island entered on February 24, 2009 (Docket No. 63).

Said Order involves a question of law to which there appears to be no controlling decision of the Court of Appeals for this


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Circuit or of the Supreme Court of the United States, and involves a matter of current public importance.

The Order involves a question of law requiring the resolution of conflicting decisions of bankruptcy courts within this Circuit.

A direct appeal from the Order pursuant to 28 U.S.C. § 158(d)(2)(A) may materially advance the progress of the case in which the appeal is taken, and I respectfully recommend that the Court accept this Certification.

Dated at Providence, Rhode Island, this 16th day of April, 2009.



Arthur N. Votolato
U.S. Bankruptcy Judge for the
District of Rhode Island

Entered on docket: 4/16/09